

## **REMARKS**

**[0001]** Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

**[0002]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-5, 8, 10-11, 13-14, 17-21, 24, 26-27, 29-30, 22-25, and 37-43 are presently pending. Claims amended herein are 1-2, 8, 10-11, 13-14, 17-18, 24, 26-27, 29-30, 33, and 37. Claims withdrawn or cancelled herein are 6-7, 9, 12, 15-16, 22-23, 25, 28, 21-32, and 44-48.

### **Formal Request for an Interview**

**[0003]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0004]** Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

## **Claim Amendments**

**[0005]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 6-7, 9, 12, 15-16, 22-23, 25, 28, 21-32, and 44-48 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

## **Substantive Matters**

### **Claim Rejections under § 102 and § 103**

**[0006]** Examiner rejects claims 1, 2, 4-11, 13-18, 20-27, 29-33, 35-39 and 41-48 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

**[0007]** In addition, the Examiner rejects claims 3, 12, 19, 28, 34 and 40 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

**[0008]** Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the case be passed along to issuance.

**[0009]** The Examiner's rejections are based upon the following references alone and/or in combination:

- **Gong:** *Gong*, US Patent No. 6,044,467 (issued March 28, 2000);  
and
- **Lao:** *Lao, et al.*, US Patent Publication No. 2003/0220880 (Published November 27, 2003).

## **Overview of the Application**

**[0010]** The Application describes a technology for evidence-based application security implemented at the application and/or application group levels. A manifest may be provided defining at least one trust condition for the application or application group. A policy manager evaluates application evidence (e.g., an XrML license) for an application or group of applications relative to the manifest. The application is only granted permissions on the computer system if the application evidence indicates that the application is trusted. Similarly, a group of applications are only granted permissions on the computer system if the evidence indicates that the group of applications is trusted. If the application evidence satisfies the at least one trust condition defined by the manifest, the policy manager generates a permission grant set for each code assembly that is a member of the at least one application. Evidence may be further evaluated for code assemblies that are members of the trusted application or application group

## **Cited References**

**[0011]** The Examiner cites Gong as the primary reference in the anticipation- and obviousness-based rejections. The Examiner cites Lao as a secondary reference in the obviousness-based rejections.

### **Gong**

**[0012]** Gong describes a technology for providing security in a computer system. When code associated with an object class must be loaded, a search for

the code is performed, inspecting locations in predetermined sequence, where the sequence ensures that untrusted code can not be loaded in place of trusted code. The sequence of locations may include locations specified by a user as well as locations specified by a default pathway. If the class is found and the class has not been loaded, the class is loaded and a set of permissions is associated with the class based on a predetermined mapping of code sources to permissions.

### Lao

**[0013]** Lao describes a technology for controlling consumption of a distributed network service in accordance with rights expression information associated with the distributed network service and specifying a manner of use of the distributed network service, including determining the rights expression information associated with the distributed network service, the rights expression information indicating a manner of use of the distributed network service; and controlling consumption of the distributed network service based on the rights expression information.

## **Anticipation Rejections**

[0014] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.<sup>2</sup>

### **Based upon Gong**

[0015] The Examiner rejects claims 1, 2, 4-11, 13-18, 20-27, 29-33, 35-39 and 41-48 under 35 U.S.C. § 102(e) as being anticipated by Gong. Applicant respectfully traverses this rejection. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

### **Independent Claim 1**

[0016] The Examiner indicates (Action, pages 6-7) the following with regard to claim 1:

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<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

2. Claims 1, 2, 4-11, 13-18, 20-27, 29-33, 35-39, 41-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Gong, US Patent No. 6,044,467 (hereinafter Gong).

Referring to claims 1, 2, 6, 7, 17, 22-23, 33 and 44, Gong teaches a computer program product, a system, a computer-readable medium and a method comprising:

receiving a manifest defining a plurality of code assemblies that are members of at least one application, wherein the manifest defines at least one trusted application and application evidence for making a trusted decision **[6:31-36; 7:20-8:59 and figs.**

**2A-2B;** Public cryptographic keys and digital signatures corresponding to application evidence and class is corresponding to a manifest];

evaluating the application evidence to determine if the at least on application is trusted **[3:27-29; 6:39-43; 7:20-8:59];** and

generating a permission grant set for each code assembly that is a member of the at least one application if the application evidence satisfies at least one condition for trusting the at least one application **[6:45-50];** and

passing the permission grant to a run-time call stack **[12:16-33; 14:66-67 and fig. 2B].**

**[0017]** Claim 1, as amended, recites a method comprising, inter alia, receiving a manifest defining first and second code assemblies that are members of at least one application, wherein the manifest defines at least one trusted application and application evidence for making a trust decision; evaluating the

application evidence to determine if the at least one application is trusted; generating a first and a second permission grant set for the first and the second code assembly, respectively, that are members of the at least one application if the application evidence satisfies at least one condition for trusting the at least one application; passing the permission grant to a run-time call stack; calling the second code assembly by the first code assembly, the second code assembly attempting access of a protected file; and calculating an intersection of the first and the second permission grant sets to determine whether the access to the protected file is permitted.

[0018] Gong does not disclose or show “***generating a first and a second permission grant set for the first and the second code assembly*** [emphasis added], respectively, that are members of the at least one application if the application evidence satisfies at least one condition for trusting the at least one application; passing the permission grant to a run-time call stack; ***calling the second code assembly by the first code assembly, the second code assembly attempting access of a protected file; and calculating an intersection of the first and the second permission grant sets to determine whether the access to the protected file is permitted*** [emphasis added].”

[0019] Instead, Gong merely shows having a class that may be “associated with the digital signature associated with the file used to transport code defining the class” or “the class definition of the class may be specifically associated with a digital signature.” See column 8, lines 9-12. If a class cannot be verified or the class is not associated with a digital signature, “the class is referred to as being



unsigned.” See column 8, lines 15-18. The Applicant’s invention, however, show calculating an intersection of differing permission grant sets to determine access to protected files. Thus, it is believed that Gong does not disclose or show this element of claim 1, as amended. Consequently, Gong does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

### Independent Claim 16

**[0020]** Claim 16, as amended, recites a computer program product encoding a computer program for executing on a computer system a computer process, the computer process comprising, inter alia, receiving a manifest defining first and second code assemblies that are members of at least one application, wherein the manifest defines at least one trusted application and application evidence for making a trust decision; evaluating the application evidence to determine if the at least one application is trusted; generating a first and a second permission grant set for the first and the second code assembly, respectively, that are members of the at least one application if the application evidence satisfies at least one condition for trusting the at least one application; passing the permission grant to a run-time call stack; calling the second code assembly by the first code assembly, the second code assembly attempting access of a protected file; and calculating an intersection of the first and the second permission grant sets to determine whether the access to the protected file is permitted.

**[0021]** Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gong does not disclose all of the claimed elements and features of independent claim 17, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Independent Claim 33*

**[0022]** Claim 33, as amended recites a system comprising, inter alia, a manifest defining first and second code assemblies that are members of at least one application; application evidence to determine whether the at least one application is trusted; a loader to load the first and the second code assemblies into a run-time call stack, with the first code assembly calling the second code assembly, the second code assembly attempting access of a protected file; and a policy manager to evaluate the application evidence relative to at least one condition, wherein the policy manager generates a first and second permission grant set for the first and the second code assembly, respectively, that are members of the at least one application if the application evidence satisfies the at least one condition specified in a security policy specification for trusting the at least one application, wherein the security policy specification defines multiple policy levels, and wherein permissions are granted on a computer system based on the permission grant set, the policy manager further calculating an intersection of the first and the second permission grant sets to determine whether the access to the protected file is permitted.

**[0023]** Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gong does not disclose all of the claimed elements and features of independent claim 33, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

## **Obviousness Rejections**

### **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

[0024] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

### **Based upon Gong in view of Lao**

[0025] The Examiner rejects claims 3, 12, 19, 28, 34 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Gong in view of Lao. Applicant respectfully contends that the remaining cited art does not overcome the deficiencies of Gong. Applicant asks the Examiner to withdraw the rejection of these claims.

### **Dependent Claims**

[0026] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## **Conclusion**

[0027] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

\_\_\_\_\_/Michael D. Carter/\_\_\_\_\_ Dated: /Sept. 22, 2008/

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